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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:18-CR-00254 DS
Plaintiff,	:	
vs.	:	MOTION TO REASSIGN CASE
GARY MARK HILL,	:	
Defendant.	:	Judge David Sam

Pursuant to Rule 13 of the Federal Rules of Criminal Procedure and DUCrimR 57-3, the United States moves the Court to reassign Case No.2:18-cr-254, *United States of America vs. Gary Mark Hill*, currently assigned to Judge David Sam, to Judge Dale A. Kimball.

Reassignment of the instant case to Judge Kimball is appropriate because there are now two pending cases against the defendant for the same conduct and the case with the lower number was previously assigned to Judge Kimball.

On January 4, 2018, the defendant, Mr. Hill, was charged by way of Felony Information in Case No. 2:18-CR-0001, *United States of America vs. Gary Mark Hill*, with Dealing in Firearms Without a License. This case was assigned to Judge Dale Kimball. On

May 8, 2018, the parties appeared before Judge Kimball at a scheduled “Change of Plea” hearing. At that time, it was anticipated that the defendant, Mr. Hill, would enter a plea of guilty. However, as is his right, Mr. Hill elected to persist in his plea of not guilty and requested a trial. The Court then terminated the hearing and noted that the United States would proceed by indictment. On May 16, 2018, a federal grand jury returned an indictment against Mr. Hill, alleging violations of Unlawfully Engaging in the Business of Importing and Dealing Machineguns, and Illegal Possession and Transfer of Machineguns. This indictment became the present case, Case No. 2:18-cr-0254, assigned to Judge David Sam.

Whereas there are now two open cases against the defendant, and both cases are related to the same defendant and alleged criminal conduct, pursuant to DUCrimR 57-3, it is appropriate that the newer case, Case No. 2:18-cr-0254, be reassigned to Judge Kimball.

RESPECTFULLY SUBMITTED May 22, 2018.

JOHN W. HUBER
United States Attorney

/s/ Isaac C. Workman
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Assistant United States Attorney